



CITY OF DONALD

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NOTICE OF DECISION BY THE DONALD CITY COUNCIL & EXPLANATION OF APPEAL RIGHTS

You are receiving this Notice of Decision because you testified orally or submitted comments in writing at the Planning Commission or City Council public hearings regarding the following files:

FILES: Planned Unit Development file #PUD 2020-01
Subdivision file #SUB 2020-01

APPLICANT: GRC Land Holdings, LLC.

REQUESTS: 1) Develop a 299-lot subdivision.

2) PUD approval to develop Harvest Gardens Agrihood, composed of 297 single-family homes, one multi-family pad for 49-133 units, and a commercial pad limited to 2 acres. Amenities include open space, community gardens, park, walking paths, community center, event space, etc. with modifications to the Donald Development Ord. (DDO) standards.

LOCATION:

ADDRESS	TAX LOT	SIZE ACRES	ZONING
Unaddressed Main Street / Donald Road NE	041W1702600	52 ±	R7-Single Family Res. & RM-Multi-Family Residential
Unaddressed Matthieu Street NE	041W2000300	9 ±	R7- Single Family Residential

CRITERIA: Donald Development Ordinance (DDO): 2.103 R7 Zone, 2.104 RM Zone, Subchapter 2.3 General Development Standards, 2.307 Development Standards for Land Divisions, 3.109 Subdivisions, 3.113 Planned Unit Developments.

PROCEDURES: A Subdivision is a type II action. A Planned Unit Development (PUD) is a Type III Action. DDO 3.201.01 and 3.201.02 allow combining concurrent applications for public hearings, by the procedures of the higher processing type. Type III Actions require public notice and public hearings by both the Planning Commission and City Council. The Planning Commission makes a recommendation to the City Council for a final decision. Appeals are to LUBA.

SUMMARY OF PUBLIC HEARINGS AND DECISION:

Public hearings for files #SUB 2020-01 and PUD 2020-01 were noticed for the Planning Commission meeting of Thursday, May 28, 2020 and City Council meeting of Tuesday, June 9, 2020. On May 28, 2020, the Planning Commission opened the noticed public hearing and continued it, by motion, to the date certain of June 18, 2020. On June 9, 2020, the City Council continued the noticed public hearing, by motion, to the date certain of July 14, 2020.

On Thursday, June 18, 2020, the Donald Planning Commission held a duly noticed public hearing on the concurrent files. Following the public hearing and deliberations, the Planning Commission voted 4-0-1 with one Planning Commissioner having recused himself due to an actual conflict of interest and the Chair abstaining, to recommend that the City Council APPROVE the two concurrent land use applications, SUB 2020-01 and PUD 2020-01, adopting the recommended findings and conditions of approval contained in the original staff report dated June 11, 2020, as revised by the staff memo dated June 18, 2020, except for the revision to condition of approval #31 regarding density. The original wording of that condition should be used.

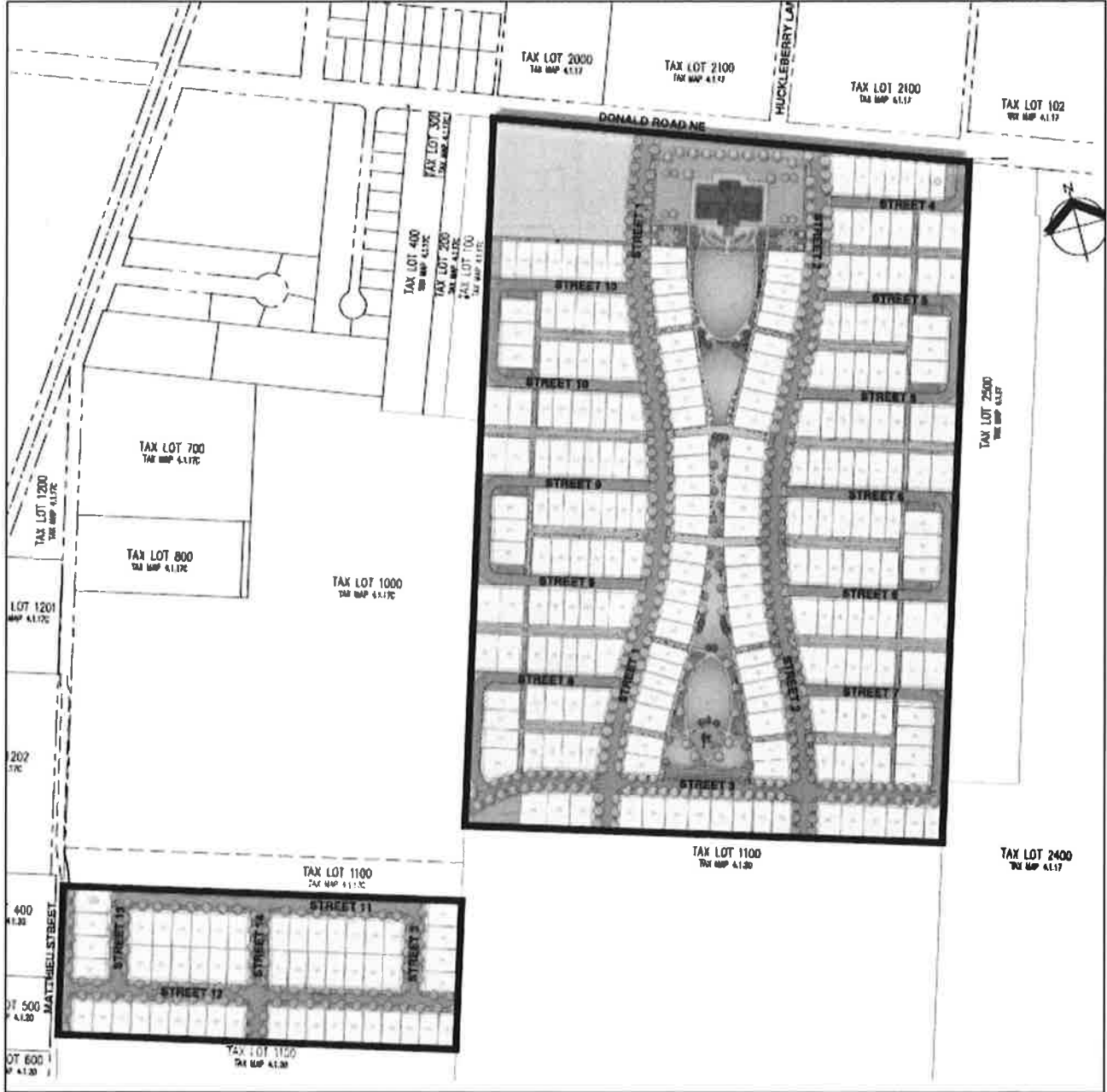
On Tuesday, July 14, 2020, the Donald City Council held a duly noticed public hearing on the concurrent files. Following the public hearing and deliberations, the City Council voted 6-0-0 to APPROVE requested concurrent files SUB 2020-01 and PUD 2020-01, adopting the recommended findings and conditions of approval contained in the staff report to City Council dated July 7, 2020, as recommended by the Donald Planning Commission, with one correction of a scrivener's error in Condition of Approval #22 regarding Public Works standards, which should have read "or as approved by the City Engineer."

All associated files and testimony received prior to and during the June 18th and July 14th public hearings are available for inspection upon request. Meeting packets, applications, and staff reports are also available on the City of Donald website: www.donaldoregon.gov.

The required conditions of approval are included below.

APPROVED HARVEST GARDENS AGRIHOOD DEVELOPMENT

HARVEST GARDENS PUD SUBMITTED BY APPLICANT (SEE PLAN SET FOR DETAILS)



HARVEST GARDENS PUD PHASING OVER 12 YEARS (SEE PLAN SET FOR DETAILS)



REQUIRED CONDITIONS OF APPROVAL:

1. **ANNEXATION & ZONE CHANGE:** Approval of subdivision and PUD are contingent upon City of Donald approval and enactment of annexation and zone change.
2. **LAND DIVISION STANDARDS:** Subdivision approval is contingent upon PUD modification requests.
3. **WATER & SEWER CAPACITY:** Developer shall continue to work in good faith with the City of Donald on long term system capacity projects in order to serve this development and the greater Donald community.
4. **ACCESS SPACING:** Prior to final plat approval, the applicant shall revise the plan set to meet Marion County's minimum 150-foot access spacing requirement between the intersection centerlines of Huckleberry Road at Main Street/Donald Road and Street 2 at Main Street/Donald Road, or other configuration approved by County and City Engineers.
5. **LEFT TURN WARRANT:** Prior to final plat approval, applicant shall update left turn warrant analysis to demonstrate no warrants are met upon build-out of the multi-family development and hypothetical commercial development.
6. **REVISED TRAFFIC STUDY:** The applicant shall submit addendum TIS with each development application for the future multi-family housing and commercial pad.
7. **MAIN STREET FRONTAGE IMPROVEMENTS:** The developer shall construct full frontage improvements along Main Street / Donald Road NE prior to building permit issuance for Phase 1, to Marion County and City of Donald specifications. Alternatively, with City Engineer approval, the applicant may construct Phase 1 frontage improvements plus an ADA-compliant hard-surfaced pedestrian facility connecting the completed frontage of Phase 1 to the public right-of-way at the NW boundary of the subject property.
 - a. MCPW Engineering Permits are required for any work, including for utilities, in the Main Street public R/W. Note that Marion County has maintenance jurisdiction and permitting authority over Donald Road / Main Street.
 - b. MCPW Engineering will need to co-review stormwater detention calculations and design in conjunction with City Engineer review, prior to plat approval, as the anticipated drainage outfall is eastward leaving city limits via tributaries leading to Senecal Creek.
 - c. Developer is responsible to maintain the integrity of Donald Road / Main Street pavement during transport of materials and construction activities. Any resulting damage will need to be addressed.
8. **PHASING:** The developer shall satisfy the following requirements;
 - a. Prior to platting each phase, the developer shall demonstrate that all necessary Public facilities will be constructed as part of each phase.
 - b. Development of each phase shall not result in dead-end water mains unless:
 - i. Dead-end mains are equipped with blow-offs.

- ii. Minimum fire flow requirements can be met including 500 gpm for residential structures and 1,500 gpm for multi-family and commercial structures.
 - c. Sewer stub-outs for connections to future phases shall have clean-outs.
 - d. Development of each phase shall provide street connectivity or hammer-head turn-arounds suitable for a fire truck.
 - e. Temporary roadways shall have driving surfaces suitable for emergency vehicles, to be approved by City Engineer.
9. PUBLIC FACILITIES: All public utilities and facilities shall be designed and constructed to conform to the current Public Works Design & Construction Standards of the City of Donald and Marion County (where applicable), except where otherwise explicitly approved through the PUD review, or by the City Engineer.
10. COMPLETION OF REQUIRED IMPROVEMENTS: All improvements required of the developer shall be completed prior to recording the final plat for each phase. Alternatively, improvements may be assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat, pursuant to DDO 2.301.03 and 3.102.03.
11. IMPROVEMENT PROCEDURES: Improvements installed by the developer shall be installed in accordance with the procedures of the DDO 2.307.07.
12. MATTHIEU STREET ROW: Prior to platting Phase 12 or 13 on Matthieu Street, developer is responsible for acquisition of property dedication for 50-foot wide right-of-way on Matthieu Street.
13. MATTHIEU STREET IMPROVEMENTS: Prior to issuance of building permits for Phase 12 or 13 on Matthieu Street, developer is required to construct off-site improvements to the gravel portion of Matthieu Street. Developer shall construct a minimum 20-foot paved width from the end of paved street at TL 1201 to the frontage of TL 300, to Donald Public Works Design and Construction Standards.
14. MATTHIEU STREET UTILITIES: Developer is required to construct water and sewer utility connections from end of paved Matthieu Street to the frontage of TL 300.
15. MATTHIEU STREET ROW DEDICATION: Prior to any final plat approval on TL 300, the applicant shall dedicate a minimum 25-foot wide right-of-way for the development of Matthieu Road.
16. FIRE DISTRICT APPROVALS: Prior to platting each phase, developer shall provide the City written approval from the Aurora Rural Fire District that the proposed development provides sufficient access and fire hydrants to comply with the Fire Code Applications Guide, for both temporary construction and permanent emergency access, turn-arounds, and hydrants.
17. PROPORTIONAL SHARE CONTRIBUTION: Prior to each phase of plat approval and/or issuance of building permits for commercial development, remit a proportional share

contribution for that particular phase of development in an amount commensurate with the calculated amount of traffic based on ITE methodology and TIA trip distributions toward the following projects that are identified in the Marion County TSP:


- Ehlen Road/I-5 NB Ramps & Signalization
- Ehlen Road/I-5 SB Ramps & Signalization
- Ehlen Road/Bents Road/Bents Court Signalization and some improvements
- Ehlen Road/Butteville Road Signalization and additional turn lanes, or other suitable improvement
- Yergen Road/Ehlen Road/Donald Road Realignment

18. IRRIGATION WELLS: Well water shall not mix with municipal water in a piped system.
19. WELL ACCESS: Access to existing irrigation well along the frontage of TL 2600 shall be interior to the site, and shall not be permitted from Main Street / Donald Road NE.
20. POTENTIAL MUNICIPAL WELL USE: Should the existing well along the frontage of TL 2600 be determined to meet the standards for municipal purposes, the City Engineer and Public Works Director are required by Oregon Health Authority to adopt an agreement and plan for municipal use, containing details on ownership and maintenance agreements. The developer/applicant shall participate in bringing the well into usable condition, which may include but is not limited to the construction of a pump house, paved access, dedicated parking for City Public Works, and public setbacks.
21. WELLHEAD PROTECTION AREA: The developer shall work with the City to obtain approval/variances from Oregon Health Authority (OHA) for any proposed sanitary/public health hazards within the 100-foot sanitary setback around the irrigation well on the frontage of TL 2600, per OAR 333-061-0050.
22. PUBLIC WORKS COMMENTS: The applicant/developer shall comply with all plan revisions included in the attached Public Works memorandum, unless otherwise approved by the City Engineer.
23. CITY ENGINEER COMMENTS: The applicant/developer shall comply with all plan revisions included in the attached City Engineer memorandum.
24. MARION COUNTY COMMENTS: The applicant/developer shall comply with attached comments from Marion County Public Works Transportation Staff.
25. TURNING RADIUS: Prior to final plat approval, the applicant shall provide additional truck turning movements at emergency vehicle access easements.
26. STORMWATER: Prior to platting, applicant's Stormwater Report shall satisfy City of Donald Public Works Standards.

27. **WETLANDS:** Applicant/developer shall secure, and provide copies to the City, of all permits required by the Department of State Lands and the Army Corps of Engineers (if applicable) for development of site and relocation of mapped drainage pipe.
28. **COMMERCIAL PAD:** Prior to building permits, developer shall secure Site Development Review approval from City of Donald for future commercial pad site. Individual commercial buildings shall not exceed a gross floor area of 25,000 square feet to ensure neighborhood-scaled development.
29. **MULTI-FAMILY:** Prior to building permits, developer shall secure all applicable land use review approval(s) from City of Donald for future multi-family housing site.
30. **COMMUNITY PARK DETAILS:** Prior to platting the corresponding phase, the applicant shall provide details for the community park sufficient to determine appropriate vehicle and bicycle parking ratios. Alternatively, the applicant/developer may submit a Site Development Review application for the development of the park.
31. **DENSITY:** Applicant shall meet minimum density of residential units required of total PUD with future multi-family housing site.
32. **THROUGH LOTS:** Subdivision through lots #296-299 shall take access from Street 13, and shall not be permitted to construct driveways on the Matthieu Street side.
33. **STREET TREES:** Applicant shall select tree species from City's adopted street tree list, or as otherwise approved by Donald Public Works. No trees shall be located within 10 feet of any utility, without prior approval by Donald Public Works.
34. **HOA MAINTENANCE:** Homeowners Association (HOA) shall be responsible for the ongoing maintenance of all off-street parking areas, pathways, courtyards, open space, parks, gardens, and street trees.
35. **CLEAR VISION:** Homeowners Association (HOA) shall be responsible for maintaining clear vision areas on all street intersections.
36. **HOMEOWNER SIDEWALK MAINTENANCE:** Consistent with the City of Donald Code, homeowners in the Harvest Gardens Agrihood shall be responsible for the ongoing maintenance of public sidewalks abutting their property, unless otherwise performed by HOA.
37. **EMERGENCY ACCESS GRAVEL ROAD:** Proposed emergency access gravel road connecting TL 2600 with TL 300 is outside of City jurisdiction, and shall only be developed in coordination with Marion County approval.
38. **RESIDENTIAL DESIGN STANDARDS:** Prior to building permits, all new dwelling units are required to meet dimensional standards of the underlying residential zone and the Residential Design Standards found in DDO 2.312, unless modifications are approved through the PUD.

39. **SYSTEM DEVELOPMENT CHARGES:** Prior to building permit, developer shall pay System Development Charges, or credits in the amount listed in the City Master Plans.
40. **STREET SIGNS:** The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City, and shall be of a type required by City standards.
41. **PRIVATE UTILITIES:** All development which has a need for electricity, gas and communication services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.
42. **STREETLIGHTS:** Where required, installation of streetlights shall be pursuant to the requirements of the City and the company serving the development, PGE.
43. **EASEMENTS:** Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions and partitions.
44. **WASTE COLLECTION:** Prior to platting, applicant shall supply the City written approval by the waste collection company, confirming ability to serve.
45. **SIGNAGE:** No signage is reviewed or approved with this decision. All signage shall comply with the City of Donald Sign Standards DDO 2.310.
46. **MONUMENTS.** Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.
47. **BENCH MARKS.** Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.
48. **RECORDING:** Consistent with the attached comments from Marion County Surveyor's Office, subdivision name must be approved per ORS 92.090. Subdivision must be surveyed and platted per ORS 92.050. Subdivision plat must be submitted for review. Checking fee and recording fees required. Per ORS 92.065 - Remaining monumentation bond may be required if some of the plat monuments have not been set and/or the installation of street and utility improvements has not been completed, or other conditions or circumstances cause the delay (or resetting) of monumentation. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

49. PUD MODIFICATIONS: Pursuant to DDO 3.113.03(E) *Modifications to an approved PUD*, once a final PUD plan has been approved, the PUD may be modified as follows:
- a. Minor modifications to an approved PUD will require a Type I administrative review.
 - b. Major modifications to an approved PUD will require a Type III quasi-judicial review by the Planning Commission.
 - c. Determination of the appropriate review type for a PUD modification will be made by City planning staff.
50. SUBDIVISION EXPIRATION: Whereas DDO 3.109.03 *Time limit* states “Approvals of any preliminary plans for a subdivision shall be valid for one year after the date of the written decision. A final subdivision plat shall be recorded within this time period or the approval shall lapse.” The applicant has requested and received an extension for the recording of Phase 1 for three (3) years from the date of signed decision. If the approval period is allowed to lapse, the applicant must resubmit the Subdivision proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.
51. PUD EXPIRATION: Donald City Council approval of the submitted PUD and Subdivision is valid for a period of 12 years, after which time no additional phases may be platted without additional land use review and approval by the City of Donald. Consistent with ORS 92.040, the applicant shall apply for a Type I staff level review at 10 years. The purpose of the review will be to determine if the DDO Subdivision standards have changed since the time of Subdivision approval, and whether any modifications to the approval should be made, which may require a re-application by the applicant for the remaining phases if significant modifications are deemed necessary.



Brad Oxenford,
Mayor, City of Donald

7/20/2020
Date

APPEALS:

- 1) If no appeal is filed within the appeal period, this City Council decision is final.
- 2) Appeals of a City Council decision are to the Oregon Land Use Board of Appeals (LUBA).
- 3) The appeal period to LUBA is 21 days from the date of this written decision.
- 4) An applicant, agent for or representative of the applicant or any person who appeared in person, by representative or in writing at the public hearing, may appeal this decision made under the provisions of DDO Subchapter 3.
- 5) An issue which is the basis for an appeal must have been raised during the public hearing process, with enough specificity to allow the parties to this decision an opportunity to respond to the issue.
- 6) A "Notice of Intent to Appeal" and the filing fee must be received by LUBA at 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. A party appealing the City Council's decision to LUBA must comply with the requirements set forth in Oregon Revised Statute 197.830 - 197.860 and any applicable Oregon Administrative Rules, including but not limited to Oregon Administrative Rule 661, Rules of Procedure for Appeals.
- 7) All appeals shall be accompanied by a fee, established by resolution, which shall cover all costs except the cost of preparation of a written transcript.

If you have questions about the City Council decision, please contact City Hall at (503) 678-5543.

If you have questions about the LUBA appeal process, please contact LUBA at (503) 373-1265.